IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 10241 of 2004(T)

PETITIONER:

C.K.MATHEN, CHIRAMEL HOUSE,
THALAVADY P.O., ALAPPUZHA DISTRICT,
NOW RESIDING AT CHIRAMEL HOUSE, MARIYAPURAM ROAD,
THAYIKKATTUKARA P.O., ALUVA-6.

BY ADV. SRI.N.N.SUGUNAPALAN

RESPONDENTS:
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1. THE TAHSILDER, KUTTANAD TALUK.

2. THE DISTRICT COLLECTOR, ALAPPUZHA.

3. STATE OF KERALA, REP.BY CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT.LATHA THANKAPPAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO. 10241/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AGREEMENT DT. 25.4.02 EXECUTED BETWEEN THE PETITIONER AND P.T. OOMMEN.

EXT.P2:- COPY OF THE REPRESENTATION DT. 3.1.04 SUBMITTED BY THE PETITIONER TO THE HONOURABLE MINISTER FOR REVENUE.

EXT.P3:- COPY OF THE JUDGMENT DT. 27.6.97 IN OP. 17233/96 OF THIS HONOURABLE COURT.

EXT.P4:- COPY OF THE ORDER DT. 1.3.04 ISSUED TO THE PETITIONER BY THE DISTRICT COLLECTOR, ALAPPUZHA.

EXT.P5:- COPY OF THE APPLICATION DT. 25.3.02 SUBMITTED BY THE PETITIONER

/TRUE COPY/

P.A. TO JUDGE

tss

KURIAN JOSEPH J.

Writ Petition (Civil) No.10241 of 2004

Dated 26th November, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P4 order passed by the District Collector, declining to assign the land as requested by the petitioner on the ground that the land in the application is 'thodu Puramboke'. Petitioner submits that he has already approached the Tahsildar for assignment as per Ext.P5. I am afraid, the Tahsildar cannot be directed to take action on Ext.P5, since the District Collector has already turned down the application as per Ext.P4. It is for the petitioner, if so advised, to approach the Government, in which case, the matter will be duly considered by the Government with notice to the petitioner and appropriate action in accordance with law will be taken within another four months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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